

Senate File 2131

H-8081

1 Amend Senate File 2131, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 261E.8, subsection 2, Code 2018, is
6 amended to read as follows:

7 2. Students from accredited nonpublic schools and students
8 receiving competent private instruction ~~or independent private~~
9 ~~instruction~~ under [chapter 299A](#) may access the program through
10 the school district in which the accredited nonpublic school or
11 private institution is located.

12 Sec. 2. Section 299.1, subsection 1, Code 2018, is amended
13 to read as follows:

14 1. Except as provided in [section 299.2](#), the parent,
15 guardian, or legal or actual custodian of a child who is of
16 compulsory attendance age shall cause the child to attend some
17 public school or an accredited nonpublic school, or place
18 the child under competent private instruction ~~or independent~~
19 ~~private instruction~~ in accordance with the provisions of
20 chapter 299A, during a school year, as defined under section
21 279.10.

22 Sec. 3. Section 299.1B, Code 2018, is amended to read as
23 follows:

24 **299.1B Failure to attend — driver's license.**

25 A person who ~~is of compulsory attendance age who does~~
26 ~~not meet the requirements for an exception under section~~
27 ~~299.2, who~~ does not attend a public school or an accredited
28 nonpublic school, who is not receiving competent private
29 instruction ~~or independent private instruction~~ in accordance
30 with the provisions of [chapter 299A](#), and who does not attend
31 an alternative school or adult education classes, shall not
32 receive an intermediate or full driver's license until age
33 eighteen.

34 Sec. 4. Section 299.4, subsection 1, Code 2018, is amended
35 to read as follows:

1 1. The parent, guardian, or legal custodian of a child who
2 is of compulsory attendance age, who places the child under
3 competent private instruction under either section 299A.2 or
4 299A.3, not in an accredited school or a home school assistance
5 program operated by a school district or accredited nonpublic
6 school, shall furnish a report in duplicate on forms provided
7 by the public school district, to the district by September 1
8 of the school year in which the child will be under competent
9 private instruction. The secretary shall retain and file
10 one copy and forward the other copy to the district's area
11 education agency. The report shall state the name and age of
12 the child, the period of time during which the child has been
13 or will be under competent private instruction for the year,
14 an outline of the course of study, texts used, and the name
15 and address of the instructor. The parent, guardian, or legal
16 custodian of a child, who is placing the child under competent
17 private instruction for the first time, shall also provide the
18 district with evidence that the child has had the immunizations
19 required under section 139A.8, and, if the child is elementary
20 school age, a blood lead test in accordance with section
21 135.105D. The term "*outline of course of study*" shall include
22 subjects covered, lesson plans, and time spent on the areas of
23 study.

24 Sec. 5. Section 299.6A, subsection 1, Code 2018, is amended
25 to read as follows:

26 1. In lieu of a criminal proceeding under section 299.6,
27 a county attorney may bring a civil action against a parent,
28 guardian, or legal or actual custodian of a child who is of
29 compulsory attendance age, has not completed educational
30 requirements, and is truant, if the parent, guardian, or legal
31 or actual custodian has failed to cause the child to attend a
32 public school or an accredited nonpublic school, or to place
33 the child under competent private instruction ~~or independent~~
34 ~~private instruction~~ in the manner provided in this chapter. If
35 the court finds that the parent, guardian, or legal or actual

1 custodian has failed to cause the child to attend as required
2 in [this section](#), the court shall assess a civil penalty of not
3 less than one hundred but not more than one thousand dollars
4 for each violation established.

5 Sec. 6. Section 299.8, Code 2018, is amended to read as
6 follows:

7 **299.8 "Truant" defined.**

8 Any child of compulsory attendance age who fails to attend
9 school as provided in [this chapter](#), or as required by the
10 school board's or school governing body's attendance policy,
11 or who fails to attend competent private instruction ~~or~~
12 ~~independent private instruction~~ under [chapter 299A](#), without
13 reasonable excuse for the absence, shall be deemed to be a
14 truant. A finding that a child is truant, however, shall not
15 by itself mean that the child is a child in need of assistance
16 within the meaning of [chapter 232](#) and shall not be the sole
17 basis for a child in need of assistance petition.

18 Sec. 7. Section 299.11, subsection 1, Code 2018, is amended
19 to read as follows:

20 1. The truancy officer may take into custody without
21 warrant any apparently truant child and place the child
22 in the charge of the school principal, or the principal's
23 designee, designated by the board of directors of the school
24 district in which the child resides, or in the charge of any
25 nonpublic school or any authority providing competent private
26 instruction ~~or independent private instruction~~ as defined in
27 section 299A.1, designated by the parent, guardian, or legal
28 or actual custodian; but if it is other than a public school,
29 the instruction and maintenance of the child shall be without
30 expense to the school district. If a child is taken into
31 custody under [this section](#), the truancy officer shall make
32 every reasonable attempt to immediately notify the parent,
33 guardian, or legal or actual custodian of the child's location.

34 Sec. 8. Section 299.12, subsection 2, Code 2018, is amended
35 to read as follows:

1 2. **This section** is not applicable to a child who is
2 receiving competent private instruction ~~or independent private~~
3 ~~instruction~~ in accordance with the requirements of chapter
4 299A. If a child is not in compliance with the attendance
5 requirements established under **section 299.1**, and has not
6 completed educational requirements through the sixth grade,
7 and the school has used every means available to assure the
8 child does attend, the school truancy officer shall contact
9 the child's parent, guardian, or legal or actual custodian to
10 participate in an attendance cooperation meeting. The parties
11 to the attendance cooperation meeting may include the child
12 and shall include the child's parent, guardian, or legal or
13 actual custodian and the school truancy officer. The school
14 truancy officer contacting the participants in the attendance
15 cooperation meeting may invite other school officials, a
16 designee of the juvenile court, the county attorney or the
17 county attorney's designee, or other persons deemed appropriate
18 to participate in the attendance cooperation meeting.

19 Sec. 9. Section 299A.1, Code 2018, is amended to read as
20 follows:

21 **299A.1 ~~Competent private~~ Private instruction and ~~independent~~**
22 **~~private instruction.~~**

23 1. The parent, guardian, or legal custodian of a child of
24 compulsory attendance age who places the child under private
25 instruction shall provide, unless otherwise exempted, competent
26 private instruction ~~or independent private instruction~~ in
27 accordance with **this chapter**. A parent, guardian, or legal
28 custodian of a child of compulsory attendance age who places
29 the child under private instruction which is not competent
30 private instruction ~~or independent private instruction~~,
31 or otherwise fails to comply with the requirements of this
32 chapter, is subject to the provisions of sections 299.1 through
33 299.4 and the penalties provided in **section 299.6**.

34 2. For purposes of **this chapter** and **chapter 299**:

35 a. *"Competent private instruction"* means private instruction

1 provided on a daily basis for at least one hundred forty-eight
2 days during a school year, to be met by attendance for at
3 least thirty-seven days each school quarter, by or under the
4 supervision of a licensed practitioner in the manner provided
5 under [section 299A.2](#), or a parent, guardian, or legal custodian
6 under section 299A.3, which results in the student making
7 adequate progress.

8 ~~*b.* “Independent private instruction” means instruction that~~
9 ~~meets the following criteria:~~

10 ~~(1) Is not accredited.~~

11 ~~(2) Enrolls not more than four unrelated students.~~

12 ~~(3) Does not charge tuition, fees, or other remuneration for~~
13 ~~instruction.~~

14 ~~(4) Provides private or religious-based instruction as its~~
15 ~~primary purpose.~~

16 ~~(5) Provides enrolled students with instruction in~~
17 ~~mathematics, reading and language arts, science, and social~~
18 ~~studies.~~

19 ~~(6) Provides, upon written request from the superintendent~~
20 ~~of the school district in which the independent private~~
21 ~~instruction is provided, or from the director of the department~~
22 ~~of education, a report identifying the primary instructor,~~
23 ~~location, name of the authority responsible for the independent~~
24 ~~private instruction, and the names of the students enrolled.~~

25 ~~(7) Is not a nonpublic school and does not provide competent~~
26 ~~private instruction as defined in [this subsection](#).~~

27 ~~(8) Is exempt from all state statutes and administrative~~
28 ~~rules applicable to a school, a school board, or a school~~
29 ~~district, except as otherwise provided in [chapter 299](#) and this~~
30 ~~chapter.~~

31 ~~*c.* b. “Private instruction” means instruction using a~~
32 ~~plan and a course of study in a setting other than a public or~~
33 ~~organized accredited nonpublic school.~~

34 Sec. 10. Section 299A.3, unnumbered paragraph 1, Code 2018,
35 is amended to read as follows:

1 A parent, guardian, or legal custodian of a child of
2 compulsory attendance age providing competent private
3 instruction to the child ~~may~~ shall meet all of the following
4 requirements:

5 Sec. 11. Section 299A.11, Code 2018, is amended to read as
6 follows:

7 **299A.11 Student records confidential.**

8 Notwithstanding any provision of law or rule to the
9 contrary, personal information in records regarding a child
10 receiving competent private instruction ~~or independent private~~
11 ~~instruction~~ pursuant to this chapter, which are maintained,
12 created, collected, or assembled by or for a state agency,
13 shall be kept confidential in the same manner as personal
14 information in student records maintained, created, collected,
15 or assembled by or for a school corporation or educational
16 institution in accordance with section 22.7, subsection 1.

17 Sec. 12. Section 321.178, subsection 1, paragraph c, Code
18 2018, is amended to read as follows:

19 c. Every public school district in Iowa shall offer
20 or make available to all students residing in the school
21 district, or Iowa students attending a nonpublic school or
22 receiving competent private instruction ~~or independent private~~
23 ~~instruction as defined in~~ section 299A.1, in the district, an
24 approved course in driver education. The receiving district
25 shall be the school district responsible for making driver
26 education available to a student participating in open
27 enrollment under section 282.18. The courses may be offered
28 at sites other than at the public school, including nonpublic
29 school facilities within the public school districts. An
30 approved course offered during the summer months, on Saturdays,
31 after regular school hours during the regular terms or partly
32 in one term or summer vacation period and partly in the
33 succeeding term or summer vacation period, as the case may
34 be, shall satisfy the requirements of this section to the
35 same extent as an approved course offered during the regular

1 school hours of the school term. A student who successfully
2 completes and obtains certification in an approved course in
3 driver education or an approved course in motorcycle education
4 may, upon proof of such fact, be excused from any field test
5 which the student would otherwise be required to take in
6 demonstrating the student's ability to operate a motor vehicle.
7 A student shall not be excused from any field test if a parent,
8 guardian, or instructor requests that a test be administered.
9 A final field test prior to a student's completion of an
10 approved course shall be administered by a person qualified
11 as a classroom driver education instructor and certified to
12 provide street and highway driving instruction. A person
13 qualified as a classroom driver education instructor but not
14 certified to provide street and highway driving instruction
15 may administer the final field test if accompanied by another
16 person qualified to provide street and highway driving
17 instruction.

18 Sec. 13. Section 321.180B, subsection 2, paragraph a, Code
19 2018, is amended to read as follows:

20 a. The department may issue an intermediate driver's
21 license to a person sixteen or seventeen years of age who
22 possesses an instruction permit issued under [subsection 1](#) or
23 a comparable instruction permit issued by another state for a
24 minimum of twelve months immediately preceding application,
25 and who presents an affidavit signed by a parent, guardian, or
26 custodian on a form to be provided by the department that the
27 permittee has accumulated a total of twenty hours of street
28 or highway driving of which two hours were conducted after
29 sunset and before sunrise and the street or highway driving was
30 with the permittee's parent, guardian, custodian, instructor,
31 a person certified by the department, or a person at least
32 twenty-five years of age who had written permission from a
33 parent, guardian, or custodian to accompany the permittee, and
34 whose driving privileges have not been suspended, revoked,
35 or barred under [this chapter](#) or [chapter 321J](#) during, and who

1 has been accident and violation free continuously for, the
2 six-month period immediately preceding the application for an
3 intermediate license. An applicant for an intermediate license
4 must meet the requirements of [section 321.186](#), including
5 satisfactory completion of driver education as required in
6 [section 321.178](#) ~~or 321.178A~~, and payment of the required
7 license fee before an intermediate license will be issued. A
8 person issued an intermediate license must limit the number of
9 passengers in the motor vehicle when the intermediate licensee
10 is operating the motor vehicle to the number of passenger
11 safety belts. In addition, unless waived by the person's
12 parent or guardian at the time the intermediate license is
13 issued, for the first six months following issuance of the
14 license, a person issued an intermediate license must limit the
15 number of unrelated minor passengers in the motor vehicle when
16 the intermediate licensee is operating the motor vehicle to
17 one, except when the intermediate licensee is accompanied in
18 accordance with [subsection 1](#). For purposes of [this subsection](#),
19 *"unrelated minor passenger"* means a passenger who is under
20 eighteen years of age and who is not a sibling of the driver, a
21 stepsibling of the driver, or a child who resides in the same
22 household as the driver. The department shall prescribe the
23 form for waiver of the six-month restriction on unrelated minor
24 passengers, which may be in an electronic format, and shall
25 designate characteristics for the intermediate license that
26 shall distinguish between an intermediate license that includes
27 the six-month restriction on unrelated minor passengers and
28 an intermediate license that does not include the six-month
29 restriction on unrelated minor passengers.

30 Sec. 14. REPEAL. Section 321.178A, Code 2018, is repealed.>

31 2. Title page, by striking lines 1 through 4 and inserting
32 <An Act relating to private instruction.>

MASCHER of Johnson